UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1994/5
15 November 1993

original: ENGLISH

Substantive session of 1994

# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the updated sixteenth report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX).

GE.93-19356

## TABLE OF CONTENTS


PART I . . . . . 2

Introduction . . . . . 2

PART II . . . . . 3

A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant . . . . . 3

B. Indications concerning the situation of individual countries . . . . . 6

1. Situation concerning Articles 6-9 of the Covenant . . . . . 6

Iceland . . . . . 6
Uruguay . . . . . 7
Vietnam . . . . . 9
New Zealand. . . . . 9
Mexico . . . . . 11
Senegal. . . . . 12

2. Situation concerning Article 10 of the Covenant . . . . . 14

Canada . . . . . 14
Islamic Republic of Iran . . . . . 14
Nicaragua . . . . . 14
Mexico . . . . . 14

ANNEX: Index of countries and of relevant information supplied by the ILO since 1978 . . . . . 15

# PART I

## Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialised agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to Articles 6-10 of the Covenant; and (b) indications concerning ratifications of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the Governing Body of the International Labour Office following examination of complaints alleging violation of trade union rights.[2]

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

---

[1] Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

# PART II

## A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

### Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II.

### Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Convention, 1970 (No. 131)

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1952 (No. 101)

---

[3] There are in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dockworkers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, indigenous and tribal peoples, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Occupational Cancer Convention, 1974 (No. 139)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organisations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)

Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fishermen) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)
Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

## B. Indications concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratifications of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended, and should be consulted for further details.

The absence of any such references signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observations" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

### 1. Situation concerning Articles 6-9 of the Covenant

### ICELAND

Information concerning this country has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Iceland (for full names see list of Conventions in Part II A above): Conventions Nos. 2, 11, 29, 87, 98, 100, 102, 105, 108, 111, 122, 139, 155 and 159.

Article 6

In its 1992 observation on the Abolition of Forced Labour Convention, 1957 (No. 105) the Committee noted with satisfaction that section 81 of the Seamens Act, No. 35 of 1985, under which a seaman guilty of insubordination or refusing to obey orders, was liable to emprisonment, was repealed by Act No. 53 of 1990.

In its 1992 observation on the Discrimination (Employment and Occupation Convention), 1958 (No. 111), the Committee of Experts noted with interest the adoption of the Act on the Equal Status and Rights of Women and Men, No. 28 of 1991, which has restructured the way in which equality of rights is dealt with in the country. It also noted with interest the adoption of the Government's second Four-Year Plan of Action on Measures to Achieve Equality between the sexes (1991-94). The Committee requested the Government to provide information in its next report on the practical implementation of the Act, and on the progress made in the implementation of the plan.

The Committee noted that an investigation by the National Economic Institute revealed that, in recent years there has been little change in the occupational distribution of men and women. The Committee requested the Government to indicate what measures it intends to take to adress the discriminatory effects which can result from occupational segregation.

The Committee noted the information on the need and strategies for the development of an increased number of day care centres in Iceland as well as the other proposals made by the Interdepartemental committee on family matters.

The Committee noted with interest the adoption of an Action Plan for Nordic Cooperation on Equality between Women and Men.

Article 7

In a 1992 observation on Convention No. 100, the Committee of Experts noted with interest the measures taken by the Government which include the adoption of the Government's second Four-Year Plan of Action on Measures to Achieve Equality between the Sexes (1991-94). This places emphasis, inter alia, on measures to promote the equal status of the sexes in the school system, wage equality between women and men, the improvement of the status of women in the labour market and in rural areas. It also covers the participation of the Government in various programmes adopted by the Nordic Council of Ministers aimed at developing and testing methods to break down gender segregation of the labour market, and the establishment of an Equal Rights Programme in about 50 government institutions setting specific aims to increase the number of women in positions of responsibility and improve their wages. The Committee noted with interest that pursuant to the Wages and Terms Agreement concluded between the Icelandic Federation of Labour and the Confederation of Icelandic Employers and the City of Reykjavik in 1989, the social partners had appointed a discussion group to examine the changes and reasons for the wage differential and to investigate how it might be reduced.

Article 8

The Committee of Experts, in a direct request of 1993 on Convention No. 98, referred to the conclusions of the Governing Body Committee of Freedom of Association concerning Case No. 1563, adopted at the November 1992 meeting of the Committee. The complaint in question referred to legislative suspension of wage increases due under a collective agreement signed between the Alliance of Graduate Civil Servants (BHMR) and the Government. The Committee of Experts supported the Committee of Freedom of Association comment that nine Government interventions in ten years manifestly showed the existence of difficulties in the industrial relations system.

The Committee of Experts furthermore addressed direct requests to Iceland in 1992 on the application of Conventions Nos. 102 and 111.

## URUGUAY

Information concerning this country has not been supplied previously by the ILO.

The following relevant Conventions have been ratified and are in force for Uruguay (for full names see list of Conventions in Part II A above): Nos: 1, 8, 11, 14, 18, 19, 21, 22, 23, 26, 27, 30, 32, 43, 54, 62, 80, 81, 87, 93, 94, 95, 96, 97, 98, 99, 100, 105, 106, 108, 110, 111, 114, 116, 118, 119, 121, 122, 128, 129, 130, 131, 132, 133, 134, 137, 139, 141, 144, 148, 150, 151, 153, 154, 155, 156, 159 and 161.[4]

[4]Uruguay has denounced the following relevant Conventions: Nos. 2, 4, 12, 17, 18, 24, 25, 42, 45, 52, 67 and 101.

Article 6

In its 1992 observation under the Employment Policy Convention, 1964 (No. 122) the Committee of Experts took note of the Government's detailed information explaining that the decision to resort to a programme of structural adjustment of the economy was designed to create the conditions for its sustained growth, and had been a means of achieving an increase in employment in some sectors of activity through incentives for the export of manufactured goods, the strengthening of state credits for small and medium-sized undertakings, and support for private efforts for the training, administration and management of undertakings. The greatest problems confronting the Government in attaining the goal of full employment were said to be the high inflation rate, the competition confronting national products in international markets, difficulties in raising the level of investment, and the rise in the price of oil.

The Committee asked the Government to supply in its next report information concerning the measures taken to bring the demand for labour into harmony with the consequent structural changes. The Committee expressed the hope that it would continue receiving detailed information on how the objective of increasing employment had been pursued. The Committee also expressed hope that workers and employers would be asked to contribute with their experiences and views in the execution of the employment policy according to Article 3 of the Convention.

In a direct request, the Committee asked for information on the relation between the restriction of overtime and the employment policy, measures adopted in favour of certain categories of workers, the relationship between employment policy and vocational training and the technical cooperation provided by the ILO in the field of the Convention.

Article 7

In relation to the Labour Inspection Convention, 1947 (No. 81), the Committee of Experts repeated in a 1993 observation the concern expressed by some workers' organizations about the reduction in the number of inspections as well as about the incomplete statistics provided by the Government on that matter. The Committee also expressed concern about the conditions of work and the wages of the inspectors, which were likely to endanger their independance. The Government explained that the lower number of inspectors was mainly due to transportation problems. The Committee asked the Government to provide information on the working conditions of inspectors and to formulate a comprehensive annual inspection report in accordance with Articles 20 and 21 of the Convention.

In its 1993 observation under the Minimum Wage Fixing Convention, 1970 (No. 131) the Committee of Experts noted the discussion which had taken place in the 1991 Session of the International Labour Conference on Uruguay's application of the Convention. It asked the Government to indicate how elements such as the needs of workers and their families are taken into consideration in determining the level of minimum wages. The Committee noted that the minimum wages in certain cases were fixed unilaterally by the Government and requested the Government to provide for further clarifications in its next report on certain points.

Article 8

In its 1991 observation under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) the Committee of Experts took note of the Government's report, regretting that it did not contain a reply to the communication dispatched in 1989 by the Association of Secondary School Teachers (ADES) which reported that teacher's wages are determined by the State since there is no legal framework for collective bargaining. The Committee noted with interest that according to indications in the Government's report, representatives of the Government and of the Inter-Union Workers' Assembly (PIT-CNT) had continued dialogue with a view to identifying machinery to enable public servants not engaged in the administration of the State to bargain their terms and conditions of work collectively.

Article 9

In a direct request in 1992 under the Equality of Treatment (Social Security) Convention, 1962 (No. 118) the Committee of Experts noted Act No. 16074 of 10 October 1989 respecting industrial accidents and occupational diseases. The Committee noted that an amendment to the general family allowance scheme was being examined and hoped that the amendment would also modify the provisions of Legislative Decree No. 15084 of 18 November 1980 so as to grant, in accordance with Article 6 of the Convention, family allowances to its own nationals and to the nationals of any other Member concerned which has accepted the obligations of the Convention for branch (i), and for refugees and stateless persons, in respect of children who reside on the territory of any such Member, under conditions and within limits to be agreed upon by the Members concerned.

In a 1993 observation the Committee of Experts noted with satisfaction the adoption of Act No. 16074 of 10 October 1989 enabling effect to be given to certain provisions of the Employment Injury Benefits Convention, 1964 (No. 121). The Committee noted that the Act provided for increments in periodical payments in case of temporary absence from the territory. The Committee also noted the elimination of former references to "improper conduct" of the surviving spouse leading to cancellation of the right to periodical payment.

The Committee furthermore addressed direct requests to Uruguay in 1992 on the application of Conventions Nos. 8, 22, 81, 94, 105, 122, 129, 139, 148, 155, 159 and 161, and in 1993 on the application of Conventions Nos. 22, 32, 97, 100, 105, 110, 111, 121, 130, 133, 134, 139, 148, 150, 151, 153, 154, 155, 159 and 161.

## VIETNAM

Information Concerning this country has not been supplied previously.

Vietnam re-joined the ILO in May 1992.

During a previous period of membership, Vietnam had ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Nos. 14, 26, 27, 29, 45, 52, 80, 81, 89, 98, 111, 116, 117, 118, 120 and 122. It had denouced Convention No. 4. The Government is now considering which of the earlier ratifications it may wish to confirm, and any ratifications it may decide to make.

In the circumstances, there are no comments outstanding by the ILO supervisory bodies on any Convention.

## NEW ZEALAND

Information concerning this country was supplied by the ILO in its fifteenth report.

The following relevant Conventions have been ratified and are in force for New Zealand (for full names see list of Conventions in Part II A above): Nos. 2, 10, 11, 12, 14, 15, 16, 17, 26, 29, 32, 42, 44, 47, 52, 58, 59, 81, 88, 99, 100, 101, 105, 111 and 122.[5]

[5]New Zealand has denounced the following Conventions: Nos. 1, 30 and 60.

Article 6

In its 1993 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts recalled the repeal of the Employment Equity Act, 1990, and the establishment by the Government of a Working Party on Equity in Employment to evaluate the situation regarding equality in occupation and various means for improvement. The Committee noted that the Working Party's Report dated January 1991 discussed equal employment and training opportunities for women and other disadvantaged groups and suggested the adoption of legislation requiring the implementation of equal employment opportunity programmes and the establishment of a Council for Equity. The Committee noted the Government's preference for a non-legislative approach to equality in remuneration and the creation of a joint private/public sector body, the Equal Employment Opportunities (EEO)Trust, to promote equality and do research in this area. The Trust is to be financed by an EEO Fund, and will report annually to Parliament on its activities and the progress achieved.

The Committee asked the Government to provide full information concerning the equal employment opportunity plans in the private sector and on the activities performed and results obtained by the EEO Trust and the EEO Fund in the promotion of equality of opportunity in employment.

In its 1993 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts took note of the detailed information provided in the Government's report according to which unemployment had increased from 7,5 per cent to 10 per cent of the labour force from 1990 to 1992, unemployment among the Maoris and Pacific Island Polynesians had reached 25 per cent, and the increases in unemployment were generally greatest among young persons. The Committee noted the Government's explanations, according to which the strategy of its economic policy had been unchanged, though priority was given to reducing inflation and public dept, supporting privatization and improving the competitiveness of the economy. In addition the Committee noted that the Government had adopted the Employment Contracts Act, 1991 (allowing individual negotiation of working conditions at enterprise level), and created a Community Employment Group and regional teams under the Ministry of Labour in order to support local employment creation initiatives. The Committee of Experts noted that the Government still considered growing unemployment as one of the costs, in the short term, of its economic adjustment strategy, and drew the Government's attention to Article 2 of the Convention, according to which each member shall decide on and keep under review, within the framework of a coordinated economic and social policy, the measures to be adopted to promote, as a major goal, full, productive and freely chosen employment.

The Committee noted with regard to Article 3 of the Convention, that the tripartite consultations on specific issues not only implied consultations but also the cooperation with employers' and workers' organisations in the implementation of such policies. The Committee asked the Government for detailed information in its future reports concerning this particular provision of the Convention.

Article 7

In its 1993 observation on the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) the Committee of Experts took note of the information supplied by the Government, by the New Zealand Council of Trade Unions (CTU) and by the New Zealand Employers' Federation. The Committee noted that the minimum wage rates had not been changed since September 1990, that consultation with the workers' organisation on this subject had not been substantial, and that the scope and enforcement of minimum rates were, according to the CTU, unsatisfactory. The Committee noted that the Government had not replied to these comments.

The Committee also noted that the Minimum Wage Act, 1983, applies to workers of any age and includes a section concerning an annual review of minimum wages. The Committee asked the Government to provide information on the association of employers and workers in the operation of the minimum wage fixing machinery in accordance with Article 3 of the Convention and asked whether minimum wages had been fixed for workers under the age of 20.

Article 9

Under its 1993 observation on the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) the Committee of Experts noted that under the new Accident Rehabilitation of and Compensation Insurance Act of 1992 and its Regulations, victims of industrial accidents were required to bear part in charges for the necessary medical and other treatment, and that the Accident Rehabilitation and Compensation Insurance Corporation was only required to "contribute" to these costs, which would be contrary to Article 9 of the Convention, requiring that the cost of medical, surgical and pharmaceutical aid or any part of it in case of industrial accidents shall not be borne by the injured workers themselves. The Committee noted the statement by the Government that it was not able to provide its comments on these issues, and urged the Government to provide detailed information on the application of the new Accident Rehabilitation and Compensation Insurance Act and its Regulations, as well as to provide information on the measures taken to give full effect to Article 9 of the Convention.

The Committee of Experts furthermore addressed direct requests to New Zealand in 1992 on the application of Conventions Nos. 14, 44, 52 ,100 and 111, and in 1993 on the application on Conventions Nos. 47 and 111.

## MEXICO

Information concerning this country was provided by the ILO in 1985.

The following relevant Conventions have been ratified and are in force for Mexico (for full names see list of Conventions in part II A above): Nos. 9, 11, 12, 13, 14, 17, 19, 26, 27, 29, 30, 42, 52, 87, 96, 100, 102, 105, 106, 111, 115, 118, 120, 131, 135, 140, 141, 142, 152, 155, 161, 167 and 170.[6]

Article 6

In a direct request in 1993 under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts noted with interest the numerous projects in the National Action Programme for the Integration of Women in Development, as well as the activities of the National Commission for Women during 1990 and 1991, by which a broad education campaign through the media on various topics was elaborated, especially in questions on the improvement of womens' conditions in the family, in education and in the workplace.

The Committee also noted the positive measures towards the implementation of the principle of non-discrimination taken through the above-mentioned Action Programme for 1989-94, and the National Training and Productivity Programme for 1990-94 according to which equality in work and better quality of the life of workers (particularly women workers) should be achieved, as well as the National Accord to Raise Productivity and Quality aimed at improving workers' conditions. The Committee asked the Government to continue supplying information on the efforts and progress made under the above-mentioned programmes including statistical data on the results achieved especially in the promotion of equality between sexes in employment and occupation.

Article 8

As concerns the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee of Experts noted in a 1993 observation that for several years it had been pointing out that some provisions of the Federal Act on State Employees were inconsistent with the Convention, namely

---

[6]Mexico has denounced the following relevant Conventions: Nos. 32 (as a result of ratifying No. 152), 34 (as a result of ratifying No. 96), 62 (as a result of ratifying No. 167).

a) the prohibition of the coexistence of two or more unions in the same body and the prohibition of workers in the service of the State from leaving the union which they belong (sections 68, 69, 71, 72 and 73 of the Federal Act), as being contrary to the principle of the establishment of organisations of workers and of employers in full freedom in Aricle 2 of the Convention,

b) the prohibition of the re-election of trade union officers (section 75), enfringing the freedom of organisations of workers to determine in their by-laws or statutes and the conditions respecting the election of their leaders according to Article 3 of the Convention,

c) the prohibition of unions of public servants from joining trade union organisations of workers and peasants, (section 79) as contrary to the Article 3 of the Convention which gives workers in the public sector the right to join federations or confederations of their own choosing,

d) the extension of the restrictions applicable to trade unions in general to the Single Federation of Unions of Workers in the Service of the State (section 84), thus making it impossible to know the extent to which such unity is the expression of the will of the workers and their associations or is derived from a provision of the Federal Act, which would be contrary to Article 5 of the Convention,

e) the trade union monopoly of the National Federation of Banking Unions prohibiting employees of public banks from establishing other trade union organisations (section 23 of the Act issued under section 123 B (XIII bis) of the Constitution), which is contrary to Article 2 of the Convention.

The Committee hoped for a re-examination of the Act in the light of the Convention and asked the Government to supply information on measures taken to bring the Acts in conformity with the Convention.

The Committee of Experts furthermore addressed direct requests to Mexico in 1992 on the application of Conventions Nos. 13, 100, 115, 118, 142 and 161 and in 1993 on the application of Conventions Nos. 87, 131, 152 and 167.

## SENEGAL

Information about this country has not previously been provided by the ILO supervisory bodies.

The following relevant Conventions have been ratified by and are in force for Senegal (for full names of Conventions see Part II A above): Nos. 11, 12, 13, 14, 19, 26, 29, 52, 81, 87, 96, 98, 99, 100, 101, 102, 105, 111, 117, 120, 121, 122 and 135.[7]

### Article 6

In its 1993 observation on the Abolition of Forced Labour Convention, 1957 (No. 105) the Committee of Experts noted that the Government had reiterated its previous indications on bringing the punishment of seafarers for breaches of labour discipline under the Merchant Navy Code, sections 223 and 243, into conformity with the Convention. The Committee noted the information from the Government according to which no seamen had yet been imprisonned by virtue of this provision. The Committee requested information on the progress made in adopting amendments to the Act in order to bring it into conformity with the Convention.

### Article 7

As concerns the Labour Inspection Convention, 1947 (No. 81) the Committee of Experts noted with interest in a 1992 observation the statement by the Government that it would include statistics on occupational diseases in future reports. The Committee expressed hope that the

[7] Senegal has denounced Convention No. 18.

Government would provide the annual Notes from 1988 onwards in accordance with the Convention and asked the Government to indicate the form in which the Notes would be published.

The Committee noted that only 15% of the establishments registered in 1988 were inspected in 1988 and asked the Government to provide information on the measures taken to ensure the necessary number of inspections of workplaces, as well as on the other tasks entrusted to the labour inspections.

In a 1993 observation concerning the Hygiene Convention, 1964 (No. 120) the Committee of Experts took note of the drafting of a Bill on general health and safety provisions implementing Article 14 and 18 of the Convention, which require that a sufficient number of seats should be made available for workers whose work cannot be performed sitting. The Committee asked the Government which measures would be taken to give effect to these provisions. The Committee expressed its hope that the Bill would be adopted in the near future and that it would take into account the Hygiene Recommendation, 1964 (No. 120). The Committee asked to be kept informed of any progress in this field and asked for a copy of the Bill when adopted.

Article 8

In its 1993 observation concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) the Committee of Experts recalled its previous observation concerning (a) the guarantee that trade union organisations were not subject to dissolution by administrative means, (b) the permission of foreign workers to hold trade union office and (c) the limitation of the powers of the authorities to impose compulsory arbitration in order to bring an end to a strike in essential services, when the strike would endanger the life, personal safety of the whole or part of the population.

The Committee noted with interest the adoption of a Bill excluding trade union organisations from the field of seditious associations, and the legislative provisions allowing foreign workers to hold trade union office after a period of residence of five years, as well as the amendments concerning restrictions on the right to strike.

The Committee hoped for more information on progress in this area in its next report and reaffirmed its willingness to provide the Government with any technical assistance that may be needed.

Article 9

In its 1993 observation on the Employment Injury Benefits Convention, 1964 (No. 121) the Committee of Experts noted with satisfaction the adoption of an Interministerial Order issuing the new schedule of occupational diseases which was in conformity with Schedule I annexed to the Convention.

The Committee of Experts furthermore addressed direct requests to Senegal in 1993 on the application of Conventions Nos. 13, 19, 26, 29, 87, 100, 105, 111 and 122.

## 2. Situation concerning Article 10 of the Covenant

### CANADA

The ILO has not previously provided information on the application by Canada of this Article.

The Government has ratified the following relevant Conventions (for full names see the list of Conventions in Part II A above): Nos. 7, 15, 16, 58 and 73.

There are no outstanding comments by the ILO supervisory bodies on any of these Conventions.

### ISLAMIC REPUBLIC OF IRAN

The ILO has not previously provided information on the application by the Islamic Republic of Iran of this Article.

The Government has not ratified any Conventions of relevance to Article 10 of the Covenant.

### NICARAGUA

The ILO has not previously provided information on the application by Nicaragua of this Article.

The following relevant Conventions have been ratified and are in force for Nicaragua (for full names see list of Conventions in Part II A above): Nos. 3, 6, 13, 16, 77, 78, 115, 117, 127, 136 and 138.[8]

Article 10(2)

As concerns the Maternity Protection Convention, 1919 (No. 3), it was noted by the Committee of Experts in its 1993 observation that the situation had not changed following earlier ILO comments, and that no extension of the social security scheme was anticipated in the immediate future. The Committee once again expressed the hope that the Government will be able to review the situation and do its outmost to extend the social security scheme gradually throughout the national territory to cover all categories of women workers covered by the Convention.

The Committee of Experts furthermore addressed a direct request to Nicaragua in 1992 on Conventions Nos. 13, 77, 78, 115, 117, 136 and 138 and in 1993 on Conventions Nos. 13 and 136.

### MEXICO

Information about this country was provided by the ILO in 1990.

The following relevant Conventions have been ratified and are in force for Mexico (for full names see list of Conventions in Part II A above): Nos. 16, 58, 90, 112, 115, 123 and 124.[9]

There are no comments outstanding by the Committee of Experts.

---

[8]Nicaragua has denounced the following relevant Conventions : Nos. 5, 7, 10, 15 (all as a result of ratifying Convention No. 138) and 20.

[9]Mexico has denounced the following relevant Conventions: Nos. 6 and 7.

# ANNEX

## Index of countries and of relevant information supplied by the ILO since 1978

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Afghanistan | E/1986/60<br>E/1989/6<br>E/1990/9<br>E/1991/4 | |
| Australia | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1986/60 |
| Austria | E/1988/6 | E/1981/41<br>E/1987/59 |
| Barbados | E/1982/41 | E/1982/41 |
| Bulgaria | E/1980/35<br>E/1985/63 | E/1983/40<br>E/1988/6 |
| Belarus, Republic of | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Cameroon | | E/1988/6 |
| Canada | E/1982/41<br>E/1988/6<br>E/1989/6 | |
| Chile | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1988/6 |
| Colombia | E/1979/33<br>E/1985/63 | E/1990/9 |
| Costa Rica | E/1990/9<br>E/1991/4 | E/1990/9 |
| Cyprus | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1986/60<br>E/1989/6 |
| Czech and Slovak Federal Republic | E/1979/33<br>E/1986/60 | E/1981/41<br>E/1987/59 |
| Denmark | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Dominican Republic | E/1990/9<br>E/1991/4 | E/1990/9<br>E/1991/4 |
| Ecuador | E/1978/27<br>E/1985/63 | E/1990/9<br>E/1991/4 |

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Finland | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1986/60 |
| France | E/1986/60 | E/1989/6 |
| German Democratic Republic | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Germany, Federal Republic of | E/1979/33<br>E/1986/60 | E/1981/41<br>E/1987/59 |
| Hungary | E/1978/27<br>E/1985/63 | E/1986/60 |
| India | E/1986/60 | |
| Iran, Islamic Republic of | E/1978/27 | |
| Iraq | E/1985/63 | E/1981/41<br>E/1986/60 |
| Italy | E/1982/41 | |
| Jamaica | E/1980/35<br>E/1989/6 | E/1989/6 |
| Japan | E/1985/63 | E/1987/59 |
| Jordan | E/1987/59 | E/1987/59 |
| Luxembourg | E/1990/9 | E/1990/9 |
| Madagascar | E/1981/41<br>E/1985/63 | E/1986/60 |
| Mexico | E/1985/63 | E/1990/9 |
| Mongolia | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Netherlands | E/1989/6 | E/1989/6 |
| Netherlands (Antilles) | E/1987/59 | |
| Nicaragua | E/1986/60 | |
| Norway | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1988/6 |
| Panama | E/1988/6<br>E/1989/6<br>E/1990/9<br>E/1991/4<br>E/1992/4 | E/1981/41<br>E/1988/6<br>E/1989/6<br>E/1991/4 |
| Peru | E/1985/63 | |

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Philippines | E/1978/27<br>E/1985/63 | |
| Poland | E/1979/33<br>E/1986/60 | E/1981/41<br>E/1987/59<br>E/1989/6 |
| Romania | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1988/6 |
| Rwanda | E/1985/63<br>E/1989/6 | E/1986/60 |
| Senegal | | E/1981/41 |
| Spain | E/1980/35<br>E/1985/63 | E/1982/41<br>E/1986/60 |
| Sweden | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Syrian Arab Republic | E/1980/35<br>E/1990/9<br>E/1992/4 | E/1981/41<br>E/1990/9 |
| Tanzania | | E/1981/41 |
| Trinidad and Tobago | E/1989/6 | E/1989/6 |
| Tunisia | E/1978/27 | E/1988/6<br>E/1989/6 |
| Ukrainian SSR | E/1979/33<br>E/1985/63 | E/1982/41<br>E/1986/60 |
| USSR | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| United Kingdom | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1991/4 |
| United Kingdom (Non-metropolitan territories) | E/1979/33<br>E/1985/63 | E/1982/41 |
| Venezuela | E/1985/63 | E/1986/60 |
| Yemen | E/1990/9<br>E/1991/4 | E/1990/9<br>E/1991/4 |
| Yugoslavia | E/1983/40<br>E/1985/63 | E/1983/40 |
| Zaire | E/1988/6 | E/1988/6 |
| Zambia | | E/1986/60 |